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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,138	09/18/2003	Serge Doucet	U 014823-0	5809
7590 03/27/2006			EXAMINER	
Mr. William R. Evans LADAS & PARRY 26 West 61st Street New York, NY 10023-7604			GOLUB, MARCIA A	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/665,138

Applicant(s)

DOUCET ET AL.

Examiner

Marcia A. Golub

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 10-14, 23-27, 35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 15-22, 28-34 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/12/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's election with traverse of claims 1-3, 6-9, 15-22, 28-34, 37 in the reply filed on 10/1/2005 and 3/3/2006 is acknowledged. The traversal is on the ground(s) that the search for all the claims would not be an undue burden. This is not found persuasive because non-elected claims represent different embodiments of the invention that are not obvious variants of each other and therefore would require separate searches. Also the method claims are classified in different class and would require a separate search.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Drawings***

Figures 1-7b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

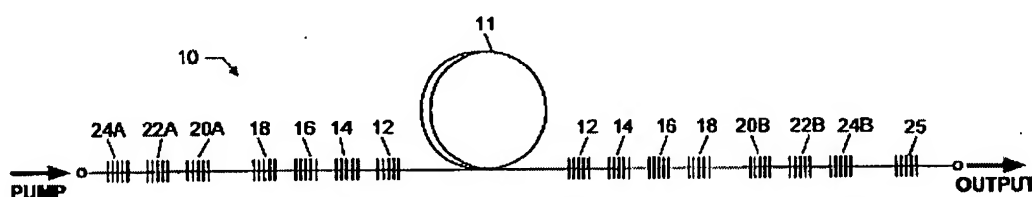
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 15-19, 22, 28-31, 28-34, 37** are rejected under 35 U.S.C. 102(b) as being anticipated by MacCormack et al. (6,407,855), hereinafter '855.

Regarding **claims 1, 2, 22 and 32**, Fig 1 of '855 disclose "a multi-wavelength laser source [10] comprising:

- a) a pump laser unit adapted for generating an energy signal [pump]; (3/39-43)
- b) a gain section including a gain medium [11] having an superstructure grating [12,14,16,18,20,22,24] forming a distributed Fabry-Perot-like structure, the pump laser unit being adapted for applying the energy signal to said gain section such as to cause a multi-wavelength laser signal to be generated; (5/20-34)
- c) an output for emitting the multi-wavelength laser signal [output].”



Regarding **claims 3, 15-19, 28-31, 33, 34, 37**, Figs 1 and 6 of '855 disclose “a multi-wavelength laser source:

- 3, 37. “wherein the gain section further comprises an amplifying section (5/4)
- 15. “wherein the gain medium is selected from the set consisting of ... crystals, semiconductor materials [Ge and P] and doped polymer materials (5/20-24);
- 16. “wherein the gain medium is a homogenously broadened gain medium [single mode fiber] (5/20-24);
- 17. “wherein said gain section includes an optical waveguide [optical fiber] (5/20);
- 18. “wherein the optical waveguide includes ... an optical fiber (5/20);
- 19. “wherein said optical waveguide includes a waveguide core and a waveguide cladding; (5/20-22)
- 28. “An optical transmitter apparatus comprising the multi-wavelength laser source described in claim 1.” Intended use of the device recited in the pre-amble that does not

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result in a structural difference of the device does not distinguish the invention over prior art. (see *MPEP 2111.03*)

29. "A device suitable for providing optical components characterization comprising the multi-wavelength laser source described in claim 1. (see *MPEP 2111.03*)

30. "A device suitable for providing temporal spectroscopy functionality comprising the multi-wavelength laser source described in claim 1 (see *MPEP 2111.03*)

31. "A device suitable for providing material characterization for non-linear effects comprising the multi-wavelength laser source described in claim 1 (see *MPEP 2111.03*)

33. "wherein the pump laser unit is positioned such as to generate the energy signal in a co-propagation relationship with the output; (Fig 1)

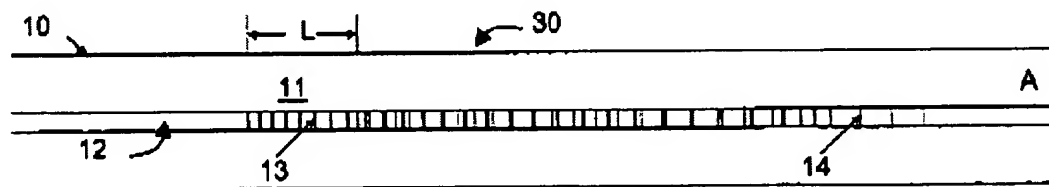
34. "wherein the pump laser unit is positioned such as to generate the energy signal in a counter-propagation relationship with the output." (Fig 6)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-9, 20, 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over '855 as applied to claims 1 and 16-19 above, and further in view of Morin (2004/0037505), hereinafter '505.



Regarding **claims 6-9**, Fig 1 of '855 discloses a multi-wavelength laser source as described above, but does not disclose that superstructure grating is composed of two identical chirped Bragg grating overlapping each other. However Fig 1 of '505 disclose an optical fiber with a superstructure grating:

6. "wherein the superstructure grating comprises: a) a first grating segment [13]; b) a second grating segment [14] superposed at least in part on said first grating segment;
7. "wherein the first grating segment is a chirped Bragg grating; (paragraph 0037)
8. "wherein the second grating segment is a chirped Bragg grating;
9. "wherein the first grating segment and the second grating segment are substantially similar to one another." (paragraph 0037)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of '505 into the device of '855 by making a superstructure grating that is composed of two identical chirped Bragg grating overlapping each other for at least the purpose of enhancing the tunability of the laser, reducing the physical size of the cavity and producing dispersion compensation.

Regarding **claims 20 and 21**, Fig 1 of '855 discloses a multi-wavelength laser source as described above, but does not disclose the precise location of the superstructure grating. However, paragraph 0037 of '505 discloses an optical fiber with a superstructure grating:

20. "wherein the superstructure grating is located in the waveguide core;
21. "wherein the superstructure grating is located in the waveguide cladding."

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of '505 into the device of '855 by making the superstructure grating in the cladding and in the core of the optical fiber for at least the purpose of avoiding cladding mode losses.

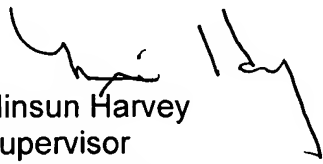
**Contact Info**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcia A. Golub whose telephone number is 571-272-8602. The examiner can normally be reached on M-F 9-6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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